IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL NO.714 OF 2005

In

PETITION NO.112 OF 2005

In

NOTICE OF MOTION NO.1 OF 20O4

In

INSOLVENCY NOTICE NO.327 OF 2003

Yoginder Pal Singh : Appellant

(Orig.Judgement Debtor No.3)

V/s.

Apna Sahakari Bank Ltd. & Ors. : Respondents

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Mr.B.B.Parekh for the appellant.

Mr.A.P.Kothari, Dy. Official Assignee for respondent no.2.

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CORAM : R.M.LODHA & S.A.BOBDE,JJ.

DATE : DECEMBER 19, 2006.

P.C.

Mr.A.P.Kothari, Deputy Official Assignee appears on behalf of the Official Assignee and states that no claim has been filed in the office of the Official Assignee by any creditor against the appellant.

2. The counsel for the appellant submits that due amount of the recovery certificate has been paid to the petitioning creditors. Nobody appears for the petitioning creditors, despite service.

3. In the order dated 11.12.2006, it was observed that the appeal shall be disposed of at the admission stage.

4. Since the appellant has paid the entire due amount to the petitioning creditors and the nominee of the Official Assignee states that no claim has been lodged by any creditor against the appellant in the office of the Official Assignee, we set aside the order dated 15.3.2005.

5. Appeal stands allowed accordingly. No costs.

R.M. LODHA, J.

S.A. BOBDE, J.